IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

S.B.CIVIL WRIT PETITION NO.5631/1999.

New India Assurance Co.Ltd. **VERSUS** Judge, MACT, Bharatpur & Ors.

15.09.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Sharad Joshi]
Mr.Alok Garg]for the petitioner.
Mr.Rakesh Sihag on behalf of
Mr.Biri Singh, for the respondent.

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Heard learned counsel for the parties.

The petitioner is aggrieved by the impugned order dated 17.08.1999 passed by the Motor Accident Claims Tribunal, Bharatpur whereby the application filed by the petitioner Insurance Company for recording the evidence of the witnesses on commission has been refused.

I have gone through the impugned order. The learned Tribunal has recorded that the petitioner was afforded sufficient opportunity to produce the witnesses and even the summons for the witnesses were sent and, therefore the permission was granted to the petitioner to summon the witnesses by bailable warrants but the petitioner failed to avail the aforesaid opportunity. Even after the order that was passed for summoning the witnesses by bailable warrants the petitioner Insurance Company preferred this application for recording the evidence of the witnesses on commission.

The accident in the instant case is of the year 1995 and the claim is pending before the Tribunal since 1995. If the petitioner is so desirous of producing the witnesses, the petitioner may

summon the witnesses by bailable warrants as permitted by learned Tribunal.

I find no good ground to interfere with the impugned order. The writ petition consequently stands dismissed. The stay application also stands dismissed and the interim order stands vacated.

Learned Tribunal shall take steps to expedite the hearing of this matter as the same has remained pending for a considerable period and preferably decide the claim petition within a period of six months from the receipt of the certified copy of this order.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.